

USAG FSH Policy Statement Number 28

SUBJECT: Equal Employment Opportunity Sexual Harassment Policy for Civilians

PROPONENT: Human Relations/Equal Employment Opportunity Office

1. Sexual harassment is against the law and it will not be tolerated. All civilian personnel are entitled to a work place free from harassment of a sexual nature whether it is a form of quid pro quo or an offensive, hostile work environment.

2. Prevention of Sexual Harassment (POSH) training is mandatory for all civilian personnel. Training in the POSH provides an individual with a better understanding of the issues and everyone's responsibilities in preventing sexual harassment. Requests for training can be made by contacting Ms. Marie Jangaon, EEO Specialist at 221-9194.

3. Any individual who uses implicit or explicit sexual behavior to control, influence, or affect the career, pay, or environment of another employee or who makes deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

4. Individuals who believe they are being subjected to sexual harassment should report it to their immediate supervisor or contact the Equal Employment Opportunity (EEO) office (221-0218) or stop by Bldg 142, 1400 Stanley Road. Civilians have two avenues of redress when filing a complaint of sexual harassment, if the immediate supervisor is a military officer the individual under Title 10 U.S. Code 1561 can request an investigation through the military chain of command and simultaneously have it processed by the EEO office.

5. I expect all managers and employees to do their part in ensuring a professional and positive work environment and to comply with the law and policy on sexual harassment. Together we can eliminate sexual harassment.

APPROVED BY: Garrison Commander

DISTRIBUTION: Directorates/Staff Offices, HQ, USAG FSH

USAG FSH POLICY STATEMENT NUMBER 30

SUBJECT: Retention Program

PROPONENT: Garrison/Installation Career Counselor

1. Retention of quality personnel is given high priority as a vital component of unit readiness and effectiveness. As such, it must be considered an inherent part of command and leader-ship. The retention program belongs to each commander and leader. Its success depends on effective leadership, vigorous command involvement, and aggressive implementation at all levels of command. The active involvement and honest interest of each officer, noncommissioned officer (NCO), and civilian leader who, through daily contact with the soldier, shapes his or her view of the army and influences the reenlistment decision, are essential.

2. Positive counseling and communication are the heart of the retention program and must begin when the soldier joins the organization and continue until he or she reenlists or is discharged. Particular emphasis will be placed on early identification and subsequent reenlistment of all quality soldiers.

3. Each soldier serving honorably and faithfully who meets the eligibility requirements outlined in AR 601-280 and desires unbroken service will be offered the opportunity to reenlist and given the time necessary to complete reenlistment processing. Soldiers, if qualified, may not be arbitrarily denied retention.

4. Marginal and substandard soldiers should be barred from reenlistment for rehabilitation.

5. Retention awards for successful mission accomplishment will be based on attaining 100 percent or better in all assigned categories. Units will be presented U.S. Army Garrison Certificates of Achievement for attaining their quarterly retention objectives. The respective unit retention NCOs will be considered for appropriate quarterly and fiscal year recognition. Units that successfully complete their assigned

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SUBJECT: Retention Program

mission for two consecutive quarters will receive one training holiday. Subordinate commanders should supplement the awards program as deemed appropriate.

APPROVED BY: Garrison Commander

DISTRIBUTION: Directorates/Staff Office, HQ, USAG FSH

USAG FSH POLICY STATEMENT NUMBER 31

SUBJECT: Use of Federal Government Communications Systems and Resources

PROPONENT: Staff Judge Advocate

1. This Policy Statement governs the use of USAG Electronic Resources (see Enclosure 1) and USAG-provided mobile telephones

a. The primary authority governing personal use of USAG electronic resources is *JER*, para. 2-301. This policy is a specific application of that authority.

b. The USAG provides its employees with electronic resources to conduct the government's business. Resources shall be used for official purposes only, except as authorized by this policy or as directed by a supervisor who is a commissioned officer or civilian in the grade of GS-11 or above. Official purposes are those that are reasonably necessary for USAG programs, policies or operations. Nothing in this policy creates any right or entitlement.

c. Personal use of USAG electronic resources may be authorized only on a limited, non-interference basis. Government computers, Internet access, and e-mail will not be used in a way that interferes with official duties, undermines readiness, or reflects adversely on the USAG, the Army or the Department of Defense.

d. The following three principles will be used in making specific determinations under this policy.

(1) The use of appropriated fund assets must comply with sound fiscal principles.

(2) Technical considerations with respect to system integrity, security and excessive use must always have first priority.

(3) Information security and protection of sensitive, classified or proprietary information must be integrated into any authorization for personal use of DoD electronic resources.

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SUBJECT: Use of Federal Government Communications Systems Resources

e. When employees are authorized to use USAG electronic resources, they shall be warned that they assume the risk of loss due to service interruptions. Loss of personal data or financial liability arising from interrupted transactions is a personal risk, and may not be the basis for a claim against the government.

2. Notice and Consent Log-On Banner. To the extent that employees wish their private activities to remain private, should not use DoD electronic resources to conduct those activities.

3. Proprietary software copyright protection. Users shall abide by the provisions of any software license agreement that has been obtained by the government. Users shall protect proprietary software from unauthorized use, abuse or duplication. Pursuant to 17 U.S.C. § 117, the government may only copy proprietary software for limited purposes and when authorized by the copyright owner.

4. Authorized Uses. ***Subject to supervisory authority to issue more restrictive guidance,*** the following personal uses are authorized on an occasional and limited basis. When engaging in authorized personal use, employees must avoid excessive use that will overburden systems or interfere with the performance of official duties.

a. Sending brief personal e-mail messages during off-duty time (for example, checking in with family members or making medical, home, automobile, or similar appointments);

b. Searching the Internet during off-duty time;

c. Communicating with on-line services, such as banks, telephone companies, and local governments during off-duty time; and

d. Supervisors must authorize, in advance, employees' personal use not specifically authorized by this policy. Supervisors shall ensure that the use:

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(1 Does not adversely affect performance of official duties;

(2) Is of reasonable duration and frequency and, whenever practicable, made during the employee's personal time (e.g., before or after duty hours, during lunch or another authorized break);

(3) Serves a legitimate public interest (e.g., keeps employees at their desks, educates employees on the communications system; enhances professional skills, or assists in job searches in response to downsizing);

4) Does not reflect adversely on DoD;

(5) Does not overburden the communications systems;

6) Does not create significant additional cost to the USAG;

(7) Is not otherwise prohibited by law, policy, or this memorandum.

5. Prohibited Uses. The following personal uses are PROHIBITED.

a. Use of USAG electronic resources involving illegal, inappropriate, or offensive material, or any material that brings discredit to DoD is prohibited. This includes, but is not limited to, creating, accessing, downloading, storing, copying or transmitting:

(1 Sexually-oriented material;

(2) Material or jokes that demean or ridicule others on the basis of race, creed, religion, color, sex, disability or national origin;

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(3) Extremist or terrorist material, material advocating the violent overthrow of the government or violence against others;

Gambling material.

b. Use of USAG electronic resources to transmit:

- (1) Any material involving partisan political activity;
- (2) Threatening or harassing communications, including sexual harassment; or

(3) Unsolicited mass distribution of material involving religious exhortation, or proselytization. This does not prohibit personal communication between individuals on religious subjects. Chaplains performing assigned duties may reference religious material when using USAG electronic resources.

c. "Conducting a commercial business

(1) "Conduct" applies to the regular activities necessary to a business, such as, administration of business transactions, sales of goods or services, management of subordinates or internal operations, and maintenance of records

(2) "Commercial business" includes any regular or recurring activity that is intended to produce a profit. It includes, but is not limited to, consulting for pay; on-line trading of securities; participation in on-line auctions; using AllAdvantage.com, Iwon.com or similar compensated use programs that pay users for time spent on the Web; and purchase or sale of consumer products, such as cosmetics, telephone services, financial investments, food storage systems or household cleaning products (e.g., Mary Kay, Avon, Tupperware, Amway, etc.).

(3) Prohibited commercial business activities do not include financial activities associated with maintaining and running a personal household, such as transferring funds between bank accounts or paying bills.

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(4) One-time transactions, such as rental of a home or sale of an automobile shall be limited to unofficial electronic posting boards established for that purpose.

d. Conducting the business of private organizations, such as endorsing membership or fundraising drives, unless otherwise permitted by *JER*, para. 3-210. Using USAG electronic resources to publicize private organization events is prohibited unless the appropriate command authority determines the information will promote official DoD interests, is otherwise appropriate for dissemination, in accordance with applicable public affairs regulations. *JER*, para. 3-208.

e. Publishing personal or unofficial websites, or posting agency information to external newsgroups, bulletin boards or other public forums without authority, including any use that creates the perception the communication was made in one's official capacity as a federal employee.

f. Attempting to circumvent or defeat security of auditing systems without prior authorization (such as for legitimate system testing or security research).

g. Unauthorized transmission of information protected under the Privacy Act, 5 U.S.C. § 552a, such as Social Security Numbers, marital status of other employees, home address and phone numbers of other employees, and employees' date of birth, and information protected under either 41 U.S.C. § 423, 18 U.S.C. § 794 or 18 U.S.C. § 1905.

h. Personal use likely to cause congestion, delay or disruption of service or which may compromise the security of any government or privately-owned system or equipment. This includes, but is not limited to:

(1) Transmission of chain letters or other unauthorized mass mailings, such as virus warnings from sources other than systems administrators;

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(2) "Spamming" (flooding a system or a specific user with unwanted messages or exploiting listservers or similar group broadcast systems with unofficial, unsolicited or unwanted announcements or advertising);

(3) "Letter bombs" (propagating a message exploiting the address lists of the receiving party and automatically retransmitting the message without the receiver's knowledge or approval);

(4) "Spoofing" (assuming another's identity by using his or her account or password);

(5) Sharing passwords or system access with unauthorized personnel, or unauthorized entry, use, transfer or tampering with the accounts or files of others;

(6) Using government systems as a staging ground or a platform to gain unauthorized access to other systems;

(7) Knowingly transmitting a virus or other software designed to disrupt systems, destroy data, or otherwise interfere with operation of the receiving system;

(8) Downloading Internet files, installing software, or using non-governmental disks without prior scanning for viruses without the written permission of the agency's system administrator;

(9) Using remote connections to military networks or accessing DoD Internet connections at remote connections for personal purposes. (In the event an at-home work station has been established as part of a telecommuting program, supervisors may apply the policy in this memorandum after first considering circumstances affecting security, access, and accountability.);

(10) Transmission of rich context pictures requiring greater than 1 megabyte of memory for other than official purposes, such as sending or opening electronic greeting cards, digital photographs, or video, sound, or other large file attachments;

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(11) Sending text or graphics in any color other than black and white;

(12) Sending or opening personal messages with "executable" attachments including files that end in "exe" or "jgb;"

(13) Subscribing to newsgroups or automatic update services not otherwise required for official missions or functions, as determined by the appropriate supervisory authority;

(14) Participating in "chat rooms" or open forum discussions unless for official purposes and after approval by appropriate public affairs authority;

(15) Broadcasting messages containing daily quotations, jokes, top-10 lists or other similar transmissions;

(16) Using "Push" technology such as "Pointcast;" or other continuous data stream technology; and

(17 Using the "return receipt" function on personal e-mail.

6. Disclaimers. When there is any likelihood of confusion, personal e-mails shall contain a disclaimer indicating that their contents are unofficial and do not reflect the position of the USAG, the Army or DoD.

7. Use of USAG electronic resources by spouses, dependents, interns and volunteers. Spouses, dependents, interns and volunteers shall be authorized use of USAG electronic resources only to the extent necessary to support official command functions and mission requirements. In appropriate circumstances, use of e-mail or creation of e-mail accounts as part of official family support programs or community services programs may be authorized. Non-government users shall be

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briefed on the policy contained in this memorandum and shall sign an acknowledgment attesting to their understanding of the policy before being given access to USAG electronic resources. A sample form of acknowledgement is found at Enclosure 2.

8. Use of USAG electronic resources by DoD contractors and contractor employees. Use of USAG electronic resources by contractors and their employees shall be in accordance with contract terms.

a. Compliance with this policy shall be among the requirements included in the formation of USAG contracts.

b. Contractor e-mail addresses on USAG systems shall contain a specific identifier so that recipients know the email is from a contractor employee.

9. Mobile Telephones. The use of USAG-provided mobile telephones is governed exclusively by this paragraph and not by the other rules set forth in this Policy. USAG-provided mobile telephones may be used only to conduct official USAG business. Personal calls may not be made on such phones. Persons making unofficial telephone calls may be subject to disciplinary action as well as charged for the calls.

10. Enforcement. This policy is a lawful general order under the Uniform Code of Military Justice. It is authority for taking adverse personnel actions against civilian employees. Intentional and significant violations of this policy should result in suspension of authorization for personal use of USAG electronic resources and may result in employees being held financially liable for the cost of improper use.

APPROVED BY: Garrison Commander

DISTRIBUTION: Directorates/Staff Offices, HQ USAG FSH

Enclosure 1 - Definitions

USAG Electronic Resources include telephones (corded and wireless), computers, laptop computers, Internet access, local and wide area networks, network servers, scanners, and printers and peripheral equipment supporting these systems.

USAG Employee includes anyone who falls within the definition at *JER*, para. 1-211, and anyone who is otherwise authorized to use USAG electronic resources. This may include employees of DoD contractors, volunteers, interns or dependents performing official functions.

Internet is an informal collection of government, military, commercial and educational computer networks using the transmission control/internet protocol to transfer information.

List-server is an electronic mailing list of individuals interested in a specific topic. Individuals subscribe to the list and automatically receive all messages posted to the list

Enclosure 2 | - Acknowledgment

I have read and understand the USAG policy on use of electronic resources. I will only use USAG electronic resources for official or authorized purposes consistent with my work as a volunteer or as a government contractor. When my relationship with the government has terminated, I will relinquish access to USAG electronic resources, and will not attempt to exploit or use my prior access for any purpose.